

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0588-01
Bill No.: HB 0337
Subject: Alcohol; Crimes and Punishment; Licenses - Driver's; Revenue Dept.
Type: Original
Date: February 6, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Highway Funds	\$54,100	\$119,036	\$124,200
General Revenue	(Unknown, could exceed \$100,000)	(Unknown, could exceed \$100,000)	(\$269,862 to Unknown)
Total Estimated Net Effect on <u>All</u> State Funds	\$54,100 to (Unknown)	\$119,036 to (Unknown)	(\$145,662 to Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Cities	\$12,420	\$23,807	\$24,840
Counties	\$5,796	\$11,110	\$11,592
All	(Unknown)	(Unknown)	(Unknown)
Local Government	\$18,216 to (Unknown)	\$34,917 to (Unknown)	\$36,432 to (Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTIONS

Officials from the **Department of Revenue** (DOR) assume the following:

The Driver and Vehicle Services Bureau contacted the Missouri State Highway Patrol and requested the latest statistics regarding Blood Alcohol Content and Driving While Intoxicated convictions that have Suspended Imposition of Sentence by the courts. The latest report was August 2000 that indicated 11,398 DWI arrests. Of 8,388 cases that had been handled as of the report, 38.4% or 4,377 were SIS. Using the same 38.4% calculated against the 3,010 pending cases indicates 1,156 additional SIS. Total SIS 5,533.

These convictions carry an 8 or 12 point assessment and each conviction will generate either a suspension or revocation of the driving privilege. The Driver and Vehicle Services Bureau anticipates that we will impose 24 additional suspensions/revocations per day.

POINTS PROCESSING ACTIONS

% of actions resulting in suspension = 76% (based on MODL information)

% of actions resulting in revocation = 24% (based on MODL information)

New suspension actions generated = 4205 (76% of 5533)

New revocation actions generated = 1328 (24% of 5533)

5,533 / 230 working days = 24 new suspension/revocation actions per day.

Reinstatement assumptions were made based on statistics obtained from MODL report DM35547-01, Action Type Totals Report.

% of suspensions reinstated/terminated = 64%

% of revocations reinstated/terminated = 76%

Number of reinstatements:

Suspensions = 2691 (64 % of 4205)

Revocations = 1009 (76% of 1328)

Total reinstatements 3700

3,700 / 230 working days = 16 additional reinstatements per day.

In addition, the additional suspensions will create increased telephone and correspondence inquiries to the Driver and Vehicle Services Bureau. **The Driver and Vehicle Services Bureau can process this additional documentation using existing resources.**

ASSUMPTIONS - continued

STATE DATA CENTER COSTS

The State Data Center will incur costs of \$8,000 during fiscal year 2002 as a result of system changes necessary in order to implement this legislation.

REVENUE IMPACT - Revenue Increase

FY2002

3,083	Increased Reinstatements (3,700/12x10months)
x \$45	Reinstatement Fee
<u>\$138,735</u>	Increased Revenue

FY2003 and 2004

3,700	Increased Reinstatements (3,700/12x10months)
x \$45	Reinstatement Fee
<u>\$166,500</u>	Increased Revenue

FEE DISTRIBUTION

FY 02

\$104,051	Highway Fund
\$20,810	Cities
\$10,405	Counties

FY 03

\$124,875	Highway Fund
\$24,975	Cities
\$12,487	Counties

FY 04

\$124,875	Highway Fund
\$24,975	Cities
\$12,487	Counties

Oversight assumes there will be a month delay between the effective date of the proposal and the first convictions. Further, since suspensions are for at least sixty days and revocations are for at least a year, the reinstatement fees will be further delayed by those time intervals. Accordingly, Oversight has included reduced estimates of reinstatement revenues in the fiscal impact.

ASSUMPTIONS - continued

Officials from the **Office of State Courts Administrator** assume :

The proposed legislation would require chemical tests of drivers involved in serious accidents, and create the crime of "recklessly contributing to an accident" a class B felony.

We would anticipate that this would be an additional charge; however, the level of crime may result in some cases becoming prolonged.

The legislation would also mandate a minimum incarceration of forty-eight hours for first offense DWIs and BACs with no SIS, and mandate a jail term of 10 consecutive days for some prior DWI offenders and 30 consecutive days for persistent offenders.

There will be a definite impact on local jail populations.

We would also anticipate a possibly significant increase in the number of trials requested. For example, in FY 00, there were more than 14,000 persons who attended the first-level education program for DWI offenders. These persons were most likely all first offenders.

If this number opted for a trial rather than a guilty plea, the impact on the workload of judges, clerks and personnel involved in jury summoning could be quite significant. There will also be an increase in the number of prior and persistent offenders opting for a trial.

The legislation will also increase the penalty for 1st offense BAC, and raise the alcohol level to 0.15. We are unable to predict the ramifications of these provisions.

The total cost for the above provisions could far exceed \$100,000 in a given year.

Oversight assumes there will be increased costs to the courts for additional trials as a result of this proposal, and the amount could exceed \$100,000 per year.

Oversight assumes there will be increased costs to local governments for additional incarcerations as a result of this proposal, but the amount is unknown.

Officials from the **Department of Transportation** assume the provision for the new crime of recklessly contributing to an accident will have no fiscal or administrative impact to MoDOT.

Officials of the **Office of Prosecution Services** assumed this proposal would have no fiscal impact to their agency.

ASSUMPTIONS - continued

Officials of the **State Public Defender**, in response to a similar proposal, assume that existing staff could provide representation for those cases arising where indigent persons were charged. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials of the **Department of Corrections** (DOC) assume the DOC cannot predict the number of new commitments or longer sentences which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments or length of incarceration or supervision depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

The Ferrara Act creates a new crime of "recklessly contributing to an accident". In CY2000, there were 11 admissions for 'vehicular-intoxicated manslaughter' and 27 admissions for 'assault 2 -- vehicular,' for a total of 38 admissions. These cases would have been sentenced using the existing .10 per cent BAC (as opposed to the proposed lower .08), so provides for a conservative estimate for purposes of calculating costs on this note. It is believed these offenders would be charged under this new proposal if sentenced today. The new crime sentencing guidelines would add 23 months to the existing prison stays. For cost estimates, a snapshot of the midyear average population was used to determine fiscal impact.

In summary, cumulative total cost to the DOC due to passage of this proposal is unknown, but expected to at least exceed the \$269,862 amount in FY04 and the amounts outlined in long range impact.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
HIGHWAY FUNDS			
<u>Income</u> - Department of Revenue			
Reinstatement fees	\$62,100	\$119,036	\$124,200
<u>Cost</u> - Department of Revenue			
State Data Center Costs	<u>(\$8,000)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>\$54,100</u>	<u>\$119,036</u>	<u>\$124,200</u>
GENERAL REVENUE			
Cost - Department of Corrections Additional population	\$0	\$0	(\$269,862 to Unknown)
Costs - Courts Additional trials	(Unknown, could exceed \$100,000)	(Unknown, could exceed \$100,000)	(Unknown, could exceed \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, could exceed \$100,000)</u>	<u>(Unknown, could exceed \$100,000)</u>	<u>(\$269,862 to Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Income</u> - Cities Reinstatement fees	\$12,420	\$23,807	\$24,840
<u>Income</u> - Counties Reinstatement fees	\$5,796	\$11,110	\$11,592
<u>Cost</u> - local government Additional incarcerations	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>\$18,216 to (Unknown)</u>	<u>\$34,917 to (Unknown)</u>	<u>\$36,432 to (Unknown)</u>
<u>FISCAL IMPACT - Small Business</u>			

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes several revisions to alcohol-related offenses, and creates the crime of recklessly contributing to an accident.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue
Department of Transportation
Office of State Courts Administrator
Office of Prosecution Services
Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett".

Jeanne Jarrett, CPA
Director
February 6, 2001